

Provides exceptions to the definition of "food establishment" for regulation of food.
Provides that only certain non-profit organizations are exempt from complying with certain food handling requirements and that the exemption is valid only if the events or activities conducted by the organizations take place for not more than thirty (30) days in a calendar year.

SECTION 1. IC 16-18-2-137 IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2007]: Sec. 137. "Food establishment", for purposes of IC 16-42-5 and IC 16-42-5.2, means any building, room, basement, vehicle of transportation, cellar, or open or enclosed area occupied or used for handling food. **The term does not include the following:**

(1) A dwelling where food is prepared on the premises by the occupants, free of charge, for their consumption or for consumption by their guests.

(2) A gathering of individuals at a house of worship who separately or jointly provide or prepare, free of charge, and consume their own food or that of others attending the gathering if the gathering is for a religious purpose, such as the following:

(A) A funeral.

(B) A wedding reception.

(C) A christening.

(D) A bar or bat mitzvah.

(E) A baptism.

(F) A communion.

(G) Another religious event or celebration.

(3) A vehicle used to transport food solely for distribution to the needy, either free of charge or for a nominal donation.

(4) A private gathering of individuals who separately or jointly provide or prepare and consume their own food or that of others attending the gathering, regardless of whether the gathering is held on public or private property.

SECTION 2. IC 16-42-5-4, AS AMENDED BY P.L.138-2006, SECTION 11, IS

1 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. ~~(a)~~ An
2 organization that is:

- 3 ~~(1) organized for nonreligious or noneducational purposes;~~
- 4 ~~(2) (1) exempt from the state gross retail tax under IC 6-2.5-5-21(b)(1)(B),~~
5 ~~IC 6-2.5-5-21(b)(1)(C), or IC 6-2.5-5-21(b)(1)(D); and~~
- 6 ~~(3) (2) that offers food for sale to the final consumer at an event held for~~
7 ~~the benefit of the organization;~~

8 is exempt from complying with the requirements of this chapter that may be imposed
9 upon the sale of food at that event if the events **or activities** conducted by the
10 organization under this section take place for not more than thirty (30) days in a calendar
11 year.

12 ~~(b) An organization:~~

- 13 ~~(1) that is organized for:~~
 - 14 ~~(A) religious; or~~
 - 15 ~~(B) educational purposes in a non-public educational setting;~~
- 16 ~~(2) that is exempt from the state gross retail tax under~~
17 ~~IC 6-2.5-5-21(b)(1)(B), IC 6-2.5-5-21(b)(1)(C), or IC 6-2.5-5-21(b)(1)(D);~~
18 ~~and~~
- 19 ~~(3) that offers food for sale to the final consumer at an event held for the~~
20 ~~benefit of the organization;~~

21 is exempt from complying with the requirements of this chapter that may be imposed
22 upon the sale of food at that event unless the food is being provided in a restaurant or a
23 cafeteria with an extensive menu of prepared foods:

24 ~~(c) A restaurant or cafeteria setting described in subsection (b) does not include~~
25 ~~the following:~~

- 26 ~~(1) A pitch in:~~
- 27 ~~(2) A bake sale:~~
- 28 ~~(3) A fish fry, chili supper, spaghetti supper, or similar event with a~~
29 ~~limited menu:~~
- 30 ~~(4) Food prepared by a licensed retail food establishment:~~

1 (5) A concession stand.

2 (6) Heating or serving precooked foods.

3 (7) Preparing or serving a continental breakfast such as rolls, coffee, juice,
4 milk, and cold cereal.

5 (8) Preparing or serving nonalcoholic or alcoholic beverages that are not
6 potentially hazardous beverages or ice.

7 (9) Preparing or serving packaged or unpackaged foods that are not
8 potentially hazardous foods, including elephant ears, funnel cakes, cotton
9 candy, confectionaries, baked goods, popcorn, and chips and grinding
10 coffee beans.

11 (10) Providing prepackaged food in the food's original package.

12 (d) This section does not prohibit an exempted organization from waiving the
13 exemption and applying for a license under this chapter.

14 (e) It is recommended that an organization that is exempt under this section
15 should still follow safe food handling practices.

16 (f) This section expires January 1, 2008.